

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**EVERETT W. WHISMAN, et al.** : **Case No. C-1-02-406**

: **Judge Beckwith**

**Plaintiffs,**

:

**v.** :

**FORD MOTOR COMPANY et al.** :

**Defendants.** :

**DEFENDANT FORD MOTOR COMPANY'S APPENDIX  
IN SUPPORT OF FORD'S MOTION FOR SUMMARY JUDGMENT**

**INDEX TO APPENDIX**

- |        |  |
|--------|--|
| Tab 1  | Dave Adams Affidavit   |
| Tab 2  | Livio Mezza Affidavit  |
| Tab 3  | Ford at-will Employment Agreements signed by Plaintiffs (Deposition Exhibits 56, 57, 64, 88, 97, 101, 102, 106, 110, 113, 121, 125, 128, 133). |
| Tab 4  | Ford Applications signed by Plaintiffs (Deposition Exhibits 55, 63, 98, 107, 114, 132).  |
| Tab 5  | Deposition Exhibits 2, 3, 4, 89  |
| Tab 6  | <u>Barents Navigation Ltd. v. Western Overseas, Inc.</u> , 1999 U.S. Dist. LEXIS 21211 (N.D. Ohio Dec. 13, 1999).                              |
| Tab 7  | <u>P.K. Lumber Co. v. Robbins</u> , 1991 Ohio App. LEXIS 519 (Montgomery Cty. Feb. 7, 1991).   |
| Tab 8  | <u>Johnson v. Norman Malone &amp; Assoc.</u> , 1989 Ohio App. LEXIS 4798 (Summit Cty. Dec. 20, 1989).  |
| Tab 9  | <u>Andres v. Drug Emporium, Inc.</u> , 2001 Ohio App. LEXIS 3861 (Franklin Cty. Aug. 30, 2001).  |
| Tab 10 | <u>Shepard v. Griffin Servs., Inc.</u> , 2002 Ohio 2283, 2002 Ohio App. LEXIS 2298 (Montgomery Cty. May 10, 2002).                             |

- Tab 11      Leonard v. TWI Networks, Inc., 1999 Ohio App. LEXIS 1651  
(Montgomery Cty. March 26, 1999).
- Tab 12      Cousins Waste Control Corp. v. City of Wellston, 1995 Ohio App. LEXIS 2315 (Jackson Cty. May 26, 1995).
- Tab 13      Wiltberger v. Davis, 1994 Ohio App. LEXIS 3012 (Franklin Cty. June 30, 1994).
- Tab 14      Henning v. Marriott Hotel and Resorts, Inc., 1995 Ohio App. LEXIS 2119  
(Montgomery Cty. May 24, 1995).

Respectfully submitted,

/s/ Jeffery L. VanWay

Ellen J. Garling, Trial Attorney (0043554)  
BAKER & HOSTETLER LLP  
65 East State Street, Suite 2100  
Columbus, Ohio 43215  
Phone: (614) 228-1541  
Fax: (614) 462-2616  
egarling@bakerlaw.com

and

Jeffery L. VanWay (0069175)  
BAKER & HOSTETLER, LLP  
312 Walnut Street, Suite 3200  
Cincinnati, Ohio 45202  
Phone: (513) 929-3400  
Fax: (513) 929-0303  
jvanway@bakerlaw.com

Attorneys for Defendant  
Ford Motor Company

**CERTIFICATE OF SERVICE**

This shall certify that a copy of the foregoing was served upon Stephen A. Simon, Attorney for Plaintiff, 22 West Ninth Street, Cincinnati, Ohio 45202, and John Hunter, Jr., Attorney for ZF Batavia, Hunter & Schank Co., L.P.A., One Canton Square, 1700 Canton Avenue, Toledo, Ohio 43624-1378, by regular U.S. mail, postage prepaid on this 21st day of November, 2003.

/s/ Jeffery L. VanWay  
Jeffery L. VanWay  
BAKER & HOSTETLER, LLP  
312 Walnut Street, Suite 3200  
Cincinnati, Ohio 45202  
Phone: (513) 929-3400  
Fax: (513) 929-0303  
[jvanway@bakerlaw.com](mailto:jvanway@bakerlaw.com)